



DAN MORALES
ATTORNEY GENERAL

Office of the Attorney General
State of Texas

September 9, 1991

Mr. Bill Dake
McGregor City Manager
P.O. Box 192
McGregor, Texas 76657

Dear Mr. Dake:

Enclosed is a copy of an open records letter issued August 26, 1991. It has come to our attention that this file was erroneously assigned the reference number OR91-386.

In order to correct this matter, we have reassigned your file to OR91-406. Please refer to this newly assigned number if any future correspondence regarding this ruling should become necessary. I regret any inconvenience this error may have caused you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lisa Belli".

Lisa Belli
Administrative Assistant
Opinion Committee

/lb

Ref.: ID# 13345, 12286

Enclosure: OR91-406



DAN MORALES
ATTORNEY GENERAL

Office of the Attorney General
State of Texas

August 26, 1991

Mr. Bill Dake
McGregor City Manager
P.O. Box 192
McGregor, Texas 76657

OR91-406

Dear Mr. Dake:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252- 17a, V.T.C.S. Your request was assigned ID# 13345.

You have received a request for a copy of police dispatch files for a certain period of time. In a letter dated June 14, 1991, you requested an open records decision from this office and claimed that the requested information was excepted from required public disclosure by sections 3(a)(3) and 3(a)(8) of the Open Records Act. In an open records letter issued by this office, Open Records Letter OR91-353 (1991), we determined that the information was not excepted by section 3(a)(8). Further, we determined that the information was not excepted by section 3(a)(3), as you had not adequately demonstrated that you were party to litigation and that the requested materials related to that litigation. However, we provided that if you could demonstrate the applicability of the requested information to the litigation, we would be able to reconsider your claim to exemption under section 3(a)(3).

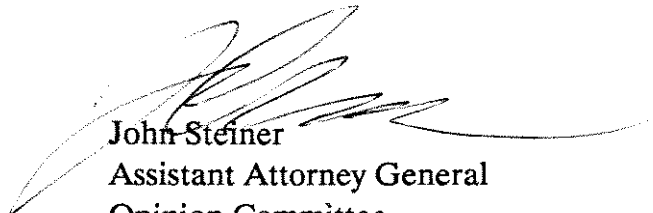
You have submitted to us documents which verify that litigation exists between you and the requestor of the documents. Open Records Decision No. 551 (1990) held that in order to properly invoke a section 3(a)(3) exception, a governmental body must demonstrate how the requested information relates to the litigation. We have determined that the police dispatch files relate to the litigation. Accordingly, you may withhold the information under section 3(a)(3).

Because prior published open records decisions resolve your request, we are

Mr. Bill Dake - Page 2 (OR91-406)

resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR91-406.

Yours very truly,



John Steiner
Assistant Attorney General
Opinion Committee

JS/GK/lb

Ref.: ID# Nos. 13345, 12286